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DOCKET NO.: MERK-0004/20671

1631  
PATENT



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Berton Gunter

Confirmation No.: 1928

Application No.: 09/632,422

Group Art Unit: 1631

Filing Date: August 4, 2000

Examiner: Mary K. Zeman

For: **METHOD AND APPARATUS FOR POSITIONALLY CORRECTING DATA  
IN A THREE DIMENSIONAL ARRAY**

DATE OF DEPOSIT:

*April 22, 2004*

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*Heather Kite*  
TYPED NAME: Heather Kite

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

Pursuant to 37 CFR § 1.56 and in accordance with 37 CFR §§ 1.97-1.98, information relating to the above-identified application is hereby disclosed. Inclusion of information in this statement is not to be construed as an admission that this information is material as that term is defined in 37 CFR § 1.56(b).

- ☐ In accordance with § 1.97(b), since this Information Disclosure Statement is being filed either within three months of the filing date of the above-identified application, within three months of the date of entry into the national stage of

the above identified application as set forth in § 1.491, before the mailing date of a first Office Action on the merits of the above-identified application, or before the mailing date of a first Office Action after the filing of request for continued examination under § 1.114, no additional fee is required.

- ☒ In accordance with § 1.97(c), this Information Disclosure Statement is being filed after the period set forth in § 1.97(b) above but before the mailing date of either a Final Action under § 1.113 or a Notice of Allowance under § 1.311, or before an action that otherwise closes prosecution in the application, therefore:

☒ Certification in Accordance with § 1.97(e) is attached;

or

☐ The fee of **\$180.00** as set forth in § 1.17(p) is attached.

- ☐ In accordance with § 1.97(d), this Information Disclosure Statement is being filed after the mailing date of either a Final Action under § 1.113 or a Notice of Allowance under § 1.311 but before, or simultaneously with, the payment of the Issue Fee, therefore included are: Certification in Accordance with § 1.97(e); and the submission fee of **\$180.00** as set forth in § 1.17(p).

- ☒ Copies of each of the references listed on the attached Form PTO-1449 are enclosed herewith.

- ☐ Copies of references listed on the attached Form PTO-1449 are enclosed herewith EXCEPT THAT:

- ☐ Copies of references listed on the attached Form PTO 1449 are not required to be submitted pursuant to the June 30, 2003 recent revisions to 37 CFR § 1.98(a)(2)(i).

- ☐ In view of the voluminous nature of references [list as appropriate], and the likelihood that these references are available to the Examiner, copies are not enclosed herewith.
- ☐ In accordance with § 1.98(d), copies of the following references listed on the attached Form PTO-1449 are not enclosed herewith because they were previously cited by or submitted to the U.S. Patent and Trademark Office in patent application(s) for which a claim for priority under 35 U.S.C. § 120 have been made in the instant application:
- ☐ Copies of references [list as appropriate] listed on the attached Form PTO-1449 were previously cited by or submitted to the Patent and Trademark Office in prior Application No. \_\_\_\_\_, filed \_\_\_\_\_.

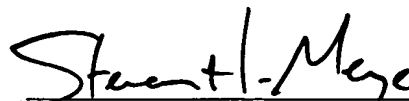
Please charge any deficiency or credit any overpayment to Deposit Account No. 23-3050. This form is submitted in duplicate.

Enclosed is a copy of the corresponding PCT/US01/41329 Search Report dated February 2, 2004.

There are no listed references which are not in the English language.

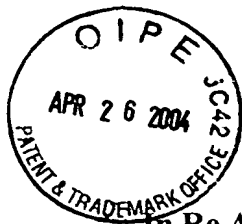
Date:

April 22 2004



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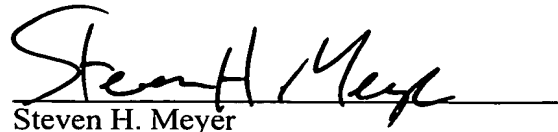
**CERTIFICATION UNDER 37 CFR § 1.97(e)**

In accordance with 37 CFR § 1.97(e), certification is hereby made that:

- ☒ Each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the Information Disclosure Statement.
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Date:

April 22 2004

A handwritten signature in black ink, appearing to read "Steven H. Meyer", written over a horizontal line.

Steven H. Meyer

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## INTERNATIONAL SEARCH REPORT

International Application No

PCT/US 01/41329

**A. CLASSIFICATION OF SUBJECT MATTER**  
IPC 7 G06F19/00

According to International Patent Classification (IPC) or to both national classification and IPC

**B. FIELDS SEARCHED**

Minimum documentation searched (classification system followed by classification symbols)

IPC 7 G06F

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

EPO-Internal, WPI Data

**C. DOCUMENTS CONSIDERED TO BE RELEVANT**

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
P, X	DUDOIT S ET AL: "Statistical methods for identifying differentially expressed genes in replicated cDNA microarray experiments" TECHNICAL REPORT 578, DEPARTMENT OF STATISTICS, UC BERKELEY, 'Online! August 2000 (2000-08), page 1-38 XP002266361 Retrieved from the Internet: <URL:http://www.stat.berkeley.edu/users/terry/zarray/TechReport/578.pdf> 'retrieved on 2003-12-16! section 4.2 page 19, paragraph 4 --- -/--	1-58



Further documents are listed in the continuation of box C.



Patent family members are listed in annex.

\* Special categories of cited documents:

- \*A\* document defining the general state of the art which is not considered to be of particular relevance
- \*E\* earlier document but published on or after the international filing date
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- \*O\* document referring to an oral disclosure, use, exhibition or other means
- \*P\* document published prior to the international filing date but later than the priority date claimed

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- \*X\* document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
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- \*&\* document member of the same patent family

Date of the actual completion of the international search

28 January 2004

Date of mailing of the international search report

17/02/2004

Name and mailing address of the ISA

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Fax: (+31-70) 340-3016

Authorized officer

Filloy García, E

## INTERNATIONAL SEARCH REPORT

International Application No

PCT/US 01/41329

## C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
P,X	KERR M K ET AL: "Analysis of Variance for Gene Expression Microarray Data" JOURNAL OF COMPUTATIONAL BIOLOGY, MARY ANN LIEBERT, LARCHMONT, NY, US, vol. 7, no. 6, December 2000 (2000-12), pages 819-837, XP009018567 ISSN: 1066-5277 the whole document ---	1-58
A	WO 99 54724 A (NADON ROBERT ;RAMM PETER (CA); IMAGING RESEARCH INC (CA)) 28 October 1999 (1999-10-28) abstract; claim 1 ---	1-58
A	NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY: "Median Polish" DATAPLOT REFERENCE MANUAL. VOLUME 1: COMMANDS, CHAPTER 3: ANALYSIS COMMANDS, 'Online! 12 March 1997 (1997-03-12), pages 3.81-3.85, XP002266487 Retrieved from the Internet: <URL:http://www.itl.nist.gov/div898/software/dataplot/refman1/ch3/median_p.pdf> 'retrieved on 2003-12-17! page 3.81 ---	1-58
A	DANIEL BARBARA AND XINTAO WU: " Using Approximations to Scale Exploratory Data Analysis in Datacubes" ISE-TR-99-02. DEPARTMENT OF INFORMATION AND SOFTWARE ENGINEERING, GEORGE MASON UNIVERSITY TECHNICAL REPORTS, 'Online! March 1999 (1999-03), pages 1-20, XP002266360 Retrieved from the Internet: <URL:http://www.isse.gmu.edu/techrep/1999/99_02_barbara.pdf> 'retrieved on 2003-12-15! section 2 ---	1-58
A	WO 00 22173 A (ALON URI ;LEVINE ARNOLD J (US); UNIV PRINCETON (US)) 20 April 2000 (2000-04-20) abstract -----	1-58

# INTERNATIONAL SEARCH REPORT

Information on patent family members

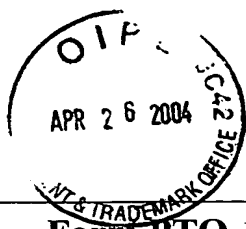
International Application No

PCT/US 01/41329

Patent document cited in search report		Publication date	Patent family member(s)	Publication date
WO 9954724	A	28-10-1999	AT 228654 T	15-12-2002
			AU 760053 B2	08-05-2003
			AU 3437899 A	08-11-1999
			BR 9909942 A	26-12-2000
			CA 2327800 A1	28-10-1999
			CN 1298486 T	06-06-2001
			CZ 20003884 A3	15-08-2001
			DE 69904165 D1	09-01-2003
			DE 69904165 T2	21-08-2003
			EP 1223533 A2	17-07-2002
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			ES 2189407 T3	01-07-2003
			HU 0101655 A2	28-09-2001
			WO 9954724 A1	28-10-1999
			JP 2002512367 T	23-04-2002
			PT 1078256 T	30-04-2003
			US 6567750 B1	20-05-2003
			US 2002039740 A1	04-04-2002
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			AU 1597400 A	01-05-2000
			WO 0022173 A1	20-04-2000
			US 2003044836 A1	06-03-2003



<b>Form PTO-1449 Modified</b>  List of Patent and Publications Cited by Applicant (Use several sheets if necessary)  U.S. Department of Commerce Patent and Trademark Office	Docket No. MERK-0004/20671	Application No. 09/632,422
	Applicant Berton Gunter	
	Filing Date August 4, 2000	Group 1631
	Confirmation No. 1928	
<b>OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)</b>		
	1	Dudoit, S. et al., "Statistical methods for identifying differentially expressed genes in replicated cDNA microarray experiments," Technical Report 578, Department of Statistics, UC Berkeley, <b>August 2000</b> , pp. 1-38. Retrieved from the Internet: <a href="http://www.stat.berkeley.edu/users/te/rry/zarray/TechReport/578.pdf">www.stat.berkeley.edu/users/te/rry/zarray/TechReport/578.pdf</a> on 12/16/03
	2	Kerr, M. K. et al., "Analysis of Variance for Gene Expression Microarray Data," <i>Journal of Computational Biology</i> , <b>December 2000</b> , 7(6): 819-837
	3	National Institute of Standards and Technology: "Median Polish," Dataplot Reference Manual, Chapter 3: Analysis Commands, <b>March 12, 1997</b> , pp. 3.81-3.85. Retrieved from the Internet: <a href="http://www.itl.nist.gov/div898/software/dataplot/refman1/ch3/median_p.pdf">www.itl.nist.gov/div898/software/dataplot/refman1/ch3/median_p.pdf</a> on 12/17/03
	4	Barbará, D. et al., "Using Approximations to Scale Exploratory Data Analysis in Datacubes," Department of Information and Software Engineering, George Mason University Technical Reports, <b>March 1999</b> , pp. 1-20. Retrieved from the Internet: <a href="http://www.isse.gmu.edu/techrep/1999/99_02_barbara.pdf">www.isse.gmu.edu/techrep/1999/99_02_barbara.pdf</a> on 12/15/03
<b>EXAMINER</b>		<b>DATE CONSIDERED</b>



<b>Form PTO-1449 Modified</b>  List of Patent and Publications Cited by Applicant (Use several sheets if necessary)  U.S. Department of Commerce Patent and Trademark Office	Docket No. MERK-0004/20671	Application No. 09/632,422
	Applicant Berton Gunter	
	Filing Date August 4, 2000	Group 1631
	Confirmation No. 1928	

**U. S. PATENT DOCUMENTS**

Examiner Initial	Document No.	Date	Name	Class	Subclass

**FOREIGN PATENT DOCUMENTS**

Examiner Initial	Document No.	Date	Country	Translation	
				YES	NO
	5 99/54724 A1	10/28/99	WO		
	6 00/22173 A1	04/20/00	WO		

<b>EXAMINER</b>	<b>DATE CONSIDERED</b>
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